

119
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM No. M-6599 of 2016 (O/M)
Date of decision : 24.2.2016

Omkar Petitioner

Versus

State of Haryana and others Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. S.S. Kharb, Advocate, for the petitioner.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
 2. To be referred to the Reporter or not.
 3. Whether the judgment should be reported in the digest ?
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KULDIP SINGH J. (ORAL)

Prayer in the present petition is for quashing the order dated 3.8.2015 (Annexure-P-2), passed by the learned Judicial Magistrate 1st Class, Panipat, as well as order dated 13.1.2016 (Annexure-P-4), passed by the learned Additional Sessions Judge, Panipat, vide which the application of the present petition for summoning five persons as additional accused, namely, Billo, Sonu, Dharmender, Monika and Ratni in addition to the six accused already facing the trial, was dismissed.

It comes out that FIR No. 460 dated 5.6.2011 was registered under Sections 148/149/323/506 IPC at Police Station Model Town, Panipat, for which trial is going on. The petitioner sought the summoning of five persons as additional

CRM No. M-6599 of 2016 (O/M)

-2-

accused, who were exonerated by the police. The learned Judicial Magistrate 1st Class, Panipat, vide order dated 3.8.2015 (Annexure-P-2), refused to summon the said accused on the ground that no evidence is brought on record by the prosecution, from where it could be inferred that accused are involved in the occurrence. The order was examined on merits. In view of the authority of the Hon'ble Supreme Court in Hardeep Singh Versus State of Punjab and others, 2014 (1) RCR (Criminal) 623, mere prima-facie is not sufficient and something more than prima-facie is required to be made out. In this case, the injuries are simple in nature and the possibility of some of the injuries being self suffered and caused with friendly hands is also there.

In these circumstances, I do not find any ground to interfere in the discretional exercise of the Courts below in refusing to summon the persons as additional accused. Hence, the present petition is dismissed.

(KULDIP SINGH)
JUDGE

24.2.2016
sjks